

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| ANNETTE MITCHELL, <i>etc.</i> , |) | |
| |) | CASE NO. 4:19CV1005 |
| Plaintiff, |) | |
| |) | |
| v. |) | JUDGE BENITA Y. PEARSON |
| |) | |
| ACCORD HOME SERVICES, LLC, <i>et al.</i> , |) | |
| |) | ORDER |
| Defendants. |) | [Resolving ECF No. 21] |

Pending is the parties' Stipulated Motion for Conditional Certification, Notice, Due Diligence Exchange, and Mediation ([ECF No. 21](#)). For good cause shown, the motion is granted.

1. The Stipulation and Proposed Order for Conditional Certification, Notice, Due Diligence Exchange, and Mediation ([ECF No. 19](#)) is withdrawn.

2. This case is hereby conditionally certified as a collective action pursuant to [29 U.S.C § 216\(b\)](#) on behalf of Plaintiff and others similarly situated, defined as follows:

All former and current Home Health Aides employed by Defendants who worked 40 or more hours during at least one work week in the three years preceding the commencement of this action to the present (the "Collective Class Members").

3. In order to enable the parties to conduct due diligence regarding the claims and issues in the above-entitled action, on or before December 16, 2019, Defendants shall produce to counsel for Plaintiff in Excel format time records for all Collective Class Members indicating the dates and times that services were provided to Defendants. Counsel for the parties shall work in good faith to confer with respect to any additional information needed, should it

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come to light in the course of due diligence and/or settlement negotiations that additional information is necessary.

4. Settlement discussions shall take place between the parties after the production of the documents and information.

5. If the settlement discussions are unsuccessful, the parties shall immediately file a Joint Notice identifying the mediator they have selected and the date of the mediation conference. Upon completion of the private mediation, the parties shall file a second Notice jointly advising the Court of the outcome of the mediation conference.

6. The parties shall file their joint proposed plan regarding notice to potential Collective Class Members promptly following the conclusion of mediation. The proposed plan shall include (i) the form of the proposed notice, (ii) the compilation of a roster of present and former employees to whom the notice will be sent, and (iii) logistical details of the distribution.

7. Applicable statutes of limitation shall be tolled from the date of the filing of the within Order.

8. The Status Conference set for December 18, 2019 is cancelled. This case will be reset for a Telephonic Status Conference at the convenience of the Court.

IT IS SO ORDERED.

December 11, 2019
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge